

**VIOLATION OF SUPERVISION PROCEEDINGS MINUTE SHEET****(CONTINUED)**

		Time In/Out:	<b>10:34am – 11:22am</b>	Court Time:	<b>48 minutes</b>	
			Date:	<b>12/13/2023</b>		
	Cr. No.	<b>13-3747 WJ</b>	USA v.	<b>Brian Acuna</b>		
		The Honorable	<b>William P. Johnson</b>			
Clerk/Law Clerk:		<b>Richard Garcia/Taylor Rafaly</b>		Court Reporter:	<b>M. Loughran</b>	
Defendant:		<b>Present</b>		Defendant's Counsel:	<b>Richelle Anderson</b>	
AUSA:		<b>Rachel Eagle</b>		Probation Officer:	<b>Karina Villalobos</b>	
VSR Held:		<b>Albuquerque, NM</b>		Interpreter:	<b>N/A</b>	

**ADMISSION OR DENIAL OF PETITION'S ALLEGATIONS**

<b>X</b>	<b>Court questions Defendant regarding voluntary nature of admission.</b>
<b>X</b>	<b>Court finds Defendant competent to proceed.</b>
<b>X</b>	<b>Court advises Defendant of his/her rights.</b>
<b>X</b>	<b>Court advises / confirms Defendant is aware of charges and possible penalty:</b>
<b>X</b>	<b>Defendant admits violation(s): failed to notify the probation officer of any change in address; failed to obtain permission of probation officer to travel outside the District of NM; failed to notify probation officer of contact/arrest by law enforcement; committed another federal, state, or local crime; Court takes Judicial Notice of Texas convictions re unlawfully possession of a controlled substance and failure to refrain from the use of a controlled substance.</b>
	Proceed to sentencing.
	Violation Report WAIVED / NOT WAIVED
	Other:

**SENTENCE IMPOSED**

Supervision imposed:		Imprisonment:		Supervised Release:	
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**SPECIAL CONDITIONS**

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**OTHER**

	<b>ADVISED OF Appeal Rights</b>
<b>X</b>	<b>HELD IN CUSTODY</b>
	Recommended place of incarceration:

**NOTES:** Ms. Anderson addresses the Court; advises her client will admit to violations contained in (Doc. 245) Amended Petition, with the exception of last alleged violation re possession of firearm; Court will not make any findings re the alleged firearm violation; Court takes Judicial Notice of Doc. 260-1 Judgments attached to defendant's Sentencing Memo in reference to convictions in Texas.

PO addresses the Court re Defendant performance while on supervision; recommends low end of the guidelines of 27 months.

Ms. Eagle concurs with PO's recommendation.

Ms. Anderson addresses the Court on behalf her client; requests a time served sentence or holding the Petition in abeyance while her client attends Delancy Street inpatient treatment program.

The Court addresses underlying conviction in this case, performance thereafter while on supervision, and Texas convictions; Court notes it struggles with Ms. Anderson request asks why it should not impose low end custody sentence, a term of supervised release including inpatient treatment program, such as Delancy Street program; Ms. Anderson responds; Ms. Eagle responds; Ms. Anderson replies.

Defendant addresses the Court.

The Court discusses its RIO Program.

The Court would like to discuss this matter with the Delancy Street intake coordinator, Mr. Castillo; Court will set a hearing in January of some kind in Albuquerque or Santa Fe, perhaps by Zoom or in person with Mr. Castillo and Defendant; Court will defer its decision on the matter until sometime in January.